IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.4190 OF 2001

Lt Col (Mrs) P.Meera, .. Petitioner

Vs

1. Maj.Gen Sethi, DGMNS and ors. .. Respondents

Mr U.N.Tripathi, for the petitioner.

Mr P.M.Pradhan, with Mr Suresh Kumar, for the respondents.

CORAM : V.G.PALSHIKAR & D.B.BHOSALE,JJ.

DATE : 18th August, 2005.

PC:

1. Heard learned counsel for the parties.

2. By this petition, the petitioner has challenged the action of the respondent-Union of India in denying her promotion to the rank of Colonel in IMNS/Indian Army. A reply affidavit has been filed and details have been stated as to the manner in which the selection took place.

3. The main contention of the petitioner is that there might be some adverse remarks which have never been communicated to the petitioner and because of existence of such uncommunicated adverse remarks, the petitioner is denied promotion. Reliance is placed on the decision of the Supreme Court that the uncommunicated adverse remarks cannot be taken into consideration. This legal aspect cannot be disputed. However, in reply it is categorically stated by the Surg.Commodore Panampilly Sivadas, who sworn the affidavit as Director, Institute of Naval Medicine, Mumbai, that the petitioner has been superseded due to competition and not due to luke warm/deflated confidential reports. Then it is reiterated in para.20 of the reply that the petitioner has not been able to make up her merit in the promotion board due to comparative merit among the officers in zone of consideration. In view of these specific averments to which there is no rejoinder, we see no merit to interfere in the matter of promotion. Hence, it is dismissed. Rule discharged.

(D.B.BHOSALE, J.) **(V.G.PALSHIKAR, J.)**